

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST)	CASE NO: 18-cv-1776 (JRT/HB)
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**NON-PARTY CASH-WA DISTRIBUTING CO. OF FARGO, LLC’S
MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE TO FILE
OBJECTIONS OUT OF TIME**

Non-party Cash-Wa Distributing Co. of Fargo, LLC (“Cash-Wa”), pursuant to LR(b)(1)(c) offers this memorandum of law in support of its Motion for Leave to File Objection Out of Time to the subpoena issued by Commercial and Institutional Indirect Purchaser Plaintiffs.

BACKGROUND

Commercial and Institutional Indirect Purchaser Plaintiffs issued a subpoena directed to Cash-Wa Distributing Co. of Fargo, LLC. Counsel for Cash-Wa was recently retained. The subpoena requests the documents to be produced July 28, 2021. In the event the Court does not grant Cash-Wa’s Motion to Quash the subpoena, Cash-Wa is requesting, in the alternative, that the Court allow additional time to make objections to the subpoena by August 11, 2021.

ARGUMENT

Fed. R. Civ. P. 6(b) states in relevant part:

(b) Extending Time.

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Here, counsel for non-party Cash-Wa was recently retained to assist with objecting and/or responding to the subpoena issued by Commercial and Institutional Indirect Purchaser Plaintiffs in the event the Court does not grant Cash-Wa's Motion to Quash the subpoena, in the alternative, Cash-Wa respectfully request the Court grant additional time to make objections to the subpoena by August 11, 2021.

CONCLUSION

For the foregoing reasons, non-party Cash-Wa respectfully requests that in the event the Court does not grant Cash-Wa's Motion to Quash the subpoena, in the alternative, that the Court grant Cash-Wa additional time to make objections to the subpoena by August 11, 2021.

CASH-WA DISTRIBUTING CO. OF FARGO,
LLC, NON-PARTY

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Pro hac vice application pending

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to those listed.

By: s/ Daniel R. Mitchell
Daniel R. Mitchell

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